

Clerk, U.S. District Court
Southern District of Texas
FILED

MAR 9 2015

David J. Bradley, Clerk of Court

A09 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Daniel SANCHEZ
& Maria Nelly DOMINGUEZ

CRIMINAL COMPLAINT

Case Number:

C-15-274M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/8/2015 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), **Maria Nelly DOMINGUEZ & Daniel SANCHEZ**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

David Smith

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

David Smith
Signature of Complainant

David Smith

Printed Name of Complainant

Sworn to before me, signed in my presence, and probable cause found on:

March 9, 2015

Date

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

B. Janice Ellington
Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On March 8, 2015, Border Patrol Agent Sean Williams was performing traffic check duties on the primary inspection lane at the Falfurrias Border Patrol Checkpoint near Falfurrias, Texas. At approximately 12:35 a.m., a grey 2013 Lincoln Navigator pulled up to the agent's primary inspection point. The agent first noticed a male driver, later identified as Daniel SANCHEZ, and a female passenger in the front seat, later identified as Maria Nelly DOMINGUEZ. He then noticed three children and a man, later identified as Edel CUEVAS-Castro, seated in the rear seats of the vehicle. Agent Williams first asked SANCHEZ if he was a United States Citizen, which he claimed he was.

Agent Williams asked SANCHEZ how he knew everyone in the vehicle. SANCHEZ said it was just his children in the back and never specifically acknowledged CUEVAS, the male passenger. Agent Williams asked SANCHEZ three times how he knew the man in the back seat and he just kept looking down going through paperwork. Eventually, DOMINGUEZ, the front seat passenger and girlfriend of SANCHEZ, said that the man in the rear of the vehicle was her cousin. At this time, CUEVAS nodded his head in agreement. DOMINGUEZ handed Agent Williams a United States issued Social Security card and a birth certificate for the man she identified as her cousin. Agent Williams then asked CUEVAS to recite his birthday off of the United States birth certificate, which he correctly did. CUEVAS, however, was not able to provide Agent Williams with a correct social security number.

During this time, both SANCHEZ and DOMINGUEZ were looking down shuffling through papers. When asked where they were going, they claimed to be heading back to Arkansas. Agent Williams suspected that the documents presented for CUEVAS were not his. Neither document had a photograph, he could not correctly say the Social Security number listed on the card, and the documents were not in his possession at the time of inspection. It is common for individuals to answer on behalf of smuggled aliens in these situations. Agent Williams referred SANCHEZ to the secondary inspection area to complete his immigration inspection of CUEVAS.

Once in secondary, CUEVAS showed signs of nervousness and his hands were slightly shaking. CUEVAS was taken inside to roll his fingerprints to verify his citizenship and identity. The results showed that CUEVAS had a prior removal from the United States to Mexico in 2014. Upon further questioning, CUEVAS freely admitted to being illegally in the United States and being a national of Mexico. At this time both SANCHEZ and DOMINGUEZ were placed under arrest and charged alien smuggling.


All three subjects were read their Miranda rights in their preferred language. All three subjects stated that they understood their rights and agreed to waive their rights in order to make a voluntary statement without the presence of an attorney.

Agent Williams questioned DOMINGUEZ regarding her involvement with this smuggling incident. DOMINGUEZ claimed that she and her boyfriend, Daniel SANCHEZ, picked CUEVAS up at her sister's house in Roma, Texas. She claimed that CUEVAS is her brother-in-law. When asked for CUEVAS's name, she said that she knows his first name is "Jose". When the agent said that his first name is actually Edel, she admitted that he is only dating her sister and that they are not married. She said that she has known CUEVAS for approximately a month. DOMINGUEZ also claims to have known CUEVAS was illegally present in the United States and admitted that they were trying to smuggle CUEVAS through the checkpoint knowing he was illegal. DOMINGUEZ claims that CUEVAS paid them about \$160.00 to fill up the gas tank and drive him to Houston, Texas. She claimed SANCHEZ also knew CUEVAS was illegal and that this whole smuggling attempt was an arrangement between CUEVAS and SANCHEZ in the first place. DOMINGUEZ claimed SANCHEZ, CUEVAS, and herself were going north with no plans of bringing CUEVAS back to the Rio Grande Valley area. She also admitted to knowing that the U.S. birth certificate and Social Security card did not belong to CUEVAS.

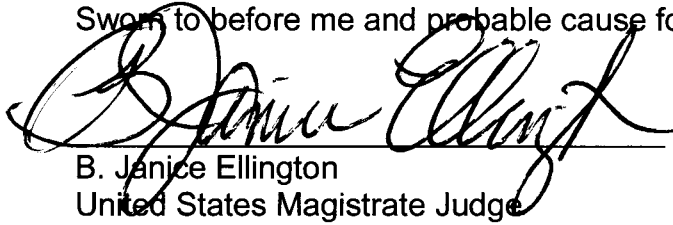
During his sworn statement, SANCHEZ said that he is a citizen of Mexico. Record checks confirmed that SANCHEZ is a legal permanent resident in the United States. At first, SANCHEZ denied knowing that CUEVAS was an illegal alien in the United States. The agent stated that both DOMINGUEZ and CUEVAS admitted that SANCHEZ knew CUEVAS was an undocumented alien and was asked if he knew one more time. When asked the second time if he knew CUEVAS was an undocumented alien, he stated, "Yeah, whatever". He said that the arrangements that had been made were to take CUEVAS with him to work. He confirmed that CUEVAS had paid them money for gas.

During his sworn statement, CUEVAS admitted to being a citizen of Mexico with no immigration document allowing him to legally enter or remain in the United States. CUEVAS stated that he had been staying with his girlfriend for two months. During a family gathering with his girlfriend's family, CUEVAS stated that he offered Daniel SANCHEZ \$300 for gas money and a ride to Houston, Texas. When asked about the documents that DOMINGUEZ presented for him at the checkpoint, CUEVAS said that SANCHEZ told DOMINGUEZ to present them to the agent at the checkpoint. CUEVAS claims that DOMINGUEZ and SANCHEZ both knew he was illegal, and that he had already paid them approximately \$100.

Assistant U.S. Attorney Justin Martin was contacted regarding Daniel SANCHEZ and Maria Nelly DOMINGUEZ and accepted prosecution of this case for violation of Title 8 USC 1324 (Alien Smuggling). Edel CUEVAS-Castro was held as material witness in this case.


David Smith
Border Patrol Agent

Sworn to before me and probable cause found on this date, the 9th of March, 2015:


B. Janice Ellington
United States Magistrate Judge